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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CASE NO.: 06-cv-03468-SI

MANFRED HACKER,
Plaintiff,

VS.

DAVID PETERSCHMIDT; DONALD
LISTWIN; JOSHUA PACE; STEVEN PETERS;
AL SNYDER; SIMON WILKINSON;
KENNETH DENMAN; BO HEDFORS;
GERALD HELD; MASOOD JABBAR;
BERNARD PUCKETT.

Defendants,

-and-

OPENWAVE SYSTEMS, INC.,

Nominal Defendant.

Request For Continuance of September 1, 2006
Case Management Conference Stipulation. and [
Case No. 06-cv-03468-SI

Plaintiff respectfully requests that the presently scheduled September 1, 2006 Case Management Conference (“CMC”) be continued to September 29, 2006 to be held “coextensively with the presently scheduled hearing of that same date on his and shareholder derivative plaintiff Henry Sherupski’s Motion to Consolidate Actions and Appoint Lead Plaintiff and Lead Counsel (“Lead Plaintiff Motion”).

On June 29, 2006, the Court scheduled a CMC for September 1, 2006, and ordered the parties to confer in advance thereof to address the agenda items set forth in the Court’s June 29 (“CMC Order”).

While the parties agree that the CMC should be continued, they are unable to agree on a date. In the absence of an agreement to an acceptable future date for the CMC and in an effort to comply with the Court’s CMC Order as to the still-pending September 1 CMC, plaintiff met with defendants on August 21, 2006, and endeavored to discuss the CMC Order agenda items. Asserting that any such discussion is premature and that they lack authority to engage in such discussions, defendants’ counsel refused to discuss the CMC agenda items.

Accordingly, plaintiff respectfully requests that the CMC be continued to September 29, 2006, upon which date all parties in all related actions are already scheduled to appear before the Court as to plaintiff’s Lead Plaintiff Motion. In addition to all parties being present, the September 29, 2006 date will also allow the parties sufficient time to meaningfully engage in the ordered dialogue concerning the agenda items set forth in the Court’s CMC Order.

The Initial Case Management Conference has been continued to September 29, 2006, at 2:00 p.m.

Respectfully submitted,

/s/ Arthur L. Shingler III
 ARTHUR L SHINGLER III
 SCOTT + SCOTT LLC
 600 B Street, Suite 1500
 San Diego, CA 92101

Attorney for Plaintiff



Request For Continuance of
 Case Management
 [Case No. 06-cv-03468--SI]

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2006, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic service. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing or by mail as required by the Court's CM/ECF rules. Parties may access this filing through the Court's CM/ECF System.

/s/ Arthur L. Shingler III
ARTHUR L. SHINGLER III (181719)